



HERBERT
SMITH
FREEHILLS



UNIVERSITY OF
CAMBRIDGE
Faculty of Law

HERBERT SMITH FREEHILLS DISABILITY MOOTING CHAMPIONSHIP: OXFORD v CAMBRIDGE

RULES

1. Competitors and eligibility

- (1) The competition is open to all matriculated students of, and all visiting students at, the University of Oxford and the University of Cambridge.
- (2) Competitors enter the competition and compete in teams of two.
- (3) Competitors in a given team need not be from the same College or reading for the same degree, but they must be at the same university.
- (4) Competitors must conduct all research and preparation for the competition without assistance from any other person.
- (5) To enter the competition, teams must comply with the instructions and deadlines in the Call for Applications.

2. Skeleton arguments and selection to compete

- (1) The Championship Organising Committee will select, from each University, the 6 teams that submit the best skeleton arguments in accordance with rules 1(5), 2(3) and 2(4) to compete in the oral rounds of the competition.
- (2) Skeleton arguments will be used for selection purposes only and will not be provided to any of the judges or to any of the other competitors.
- (3) The skeleton argument must be no longer than one side of A4 paper (size 12 font; text single-spaced; character spacing normal; margins of 2.5cm on all sides of the page) and must not cite any cases not referred to in the moot problem. Citation of additional legislation and academic material is permitted. Citation must comply with OSCOLA.
- (4) The skeleton argument must set out:
 - (a) the court and the names of the parties;
 - (b) the party on whose behalf the skeleton argument is submitted;
 - (c) the major arguments that counsel intend to make, accompanied by appropriate reference to authorities; and

- (d) counsels' names.
- (5) The skeleton argument need not include a summary of the facts.

3. Format of the oral rounds

- (1) The competition will be held online on the 5th and 6th November 2021.
- (2) 12 teams will compete in the Group Stage of the competition, 4 teams in the Semi-Final, and 2 teams in the Grand Final.

Group Stage

- (3) In the Group Stage, each team will argue the moot problem only once, either for Ms Bond or Mr Blofeld. Each team will be randomly allocated as counsel for one of the parties. Teams will be notified of the outcome of this allocation upon being selected for the competition.
- (4) The judge of each moot in the Group Stage will:
 - (a) award each team a score out of 20, calculated on the basis of a maximum of 10 points for understanding of the law and the moot problem and a maximum of 10 points for skill and style in presenting arguments; and
 - (b) award the team that performs best in each moot an additional 10 points.
- (5) No draws will be permitted.
- (6) The two teams in the Oxford group with the highest total score when their points from the two Group Stage moots are combined will qualify for the Semi-Final, as will the two teams in the Cambridge group that have the highest total score when their points from the two Group Stage moots are combined.

Semi-final stage

- (7) In the Semi-Final:
 - (a) the two qualifying teams from Oxford will moot against each other; and
 - (b) the two qualifying teams from Cambridge will moot against each other.
- (8) A coin will be tossed by a member of the Organising Committee to determine which team argues on behalf of which party.
- (9) The judge of each moot in the Semi-Final will award each team a score out of 20, calculated on the basis of a maximum of 10 points for understanding of the law and the moot problem and a maximum of 10 points for skill and style in presenting arguments.
- (10) No draws will be permitted.
- (11) In each Semi-Final moot, the team with the higher score will qualify for the Grand Final.

Grand Final

- (12) A coin will be tossed by a member of the Organising Committee to determine which of the two qualifying teams will argue on behalf of which party.
- (13) The Grand Final will be judged by three or four judges.
- (14) The Grand Final judges will award each team a score out of 20, calculated on the basis of a maximum of 10 points for understanding of the law and the moot problem and a maximum of 10 points for skill and style in presenting arguments.
- (15) No draw will be permitted.
- (16) The team with the higher score will be the winner of the Herbert Smith Freehills Disability Mooting Championship: Oxford v Cambridge. The other team will be the runner-up.

4. Conduct of moots

- (1) Skeleton arguments will not be used in the moots.
- (2) No case that is not mentioned in the moot problem may be cited during the moots, save to the extent that other cases are referred to in the cases provided to teams.
- (3) Academic writing may be incorporated into oral arguments but no academic writing or other material may be shared (electronically) with the judge.
- (4) It is permissible to refer to legislation.
- (5) A member of the Organising committee will keep time in the moots.
- (6) The order and maximum duration of argument will be as follows:

<i>Stage of proceedings</i>	<i>Maximum duration</i>
Submissions of leading counsel for Mr Blofeld	10 minutes
Submissions of leading counsel for Ms Bond	10 minutes
Reply by one counsel for Mr Blofeld	2 minutes
Submissions of junior counsel for Miss Bond	10 minutes
Submissions of junior counsel for Mr Blofeld	10 minutes
Reply by one counsel for Miss Bond	2 minutes

- (7) Leading counsel is counsel who addresses Mr Blofeld’s appeal. Junior counsel is counsel who makes submissions on the Ms Bond’s cross-appeal.
- (8) Either counsel may give the Reply.
- (9) Sur-replies are not permitted.

- (10) The maximum durations indicated include time taken answering questions from the judge, and must be strictly observed (judges will be instructed to deduct points where the maximum duration is exceeded). Where technological issues interfere with a mooter's ability to effectively deliver their submissions, the judge may decide, at the end of the allocated time, to award a time extension; any such extension must be proportionate to the extent of the interference.
- (11) Except in the Grand Final, judges will not give reasons for decision on the points of law raised by the moot problem but may offer general mooting feedback to the teams.
- (12) At each stage of the proceedings, the clerk will notify the mooters when '5 minutes' remain, '3 minutes' remain and at 'Time'.
- (13) Counsel will dress professionally. Gowns must be worn at all stages of the competition.
- (14) Competitors who are eliminated from the competition at the Group Stage are asked to watch the Grand Final. The Law Faculty regards it as unacceptable for competitors who are eliminated to not be present for the final stage of the competition as doing so is disrespectful to the judges and to the competitors who progressed further in the competition. Competitors who are eliminated from the competition who wish not to be present for the entire competition should seek permission from the Faculty Mooting Co-ordinators.

5. Prizes and Rewards

- (1) The winning team will receive a cash prize of £500.
- (2) The runner-up team in the Grand Final will receive a cash prize of £300.
- (3) The quantum of the cash prizes may be varied without notice due to circumstances beyond the Faculty's control.

6. Complaints, Appeals and Penalties

- (1) All complaints and appeals concerning the competition must, within ten minutes of the conclusion of the moot in which the matter giving rise to the complaint or appeal arose, be submitted to a Senior Member of the Organising committee for determination.
- (2) In respect of any alleged breach of these Rules, the Senior Member will:
 - (a) determine whether there has been a breach; and
 - (b) determine what penalty, if any, is to be imposed for the breach.
- (3) The Senior Member may impose the following penalties in his absolute discretion:
 - (a) subtract points awarded to any team in a given moot; and
 - (b) disqualify a team.

- (4) All questions concerning the interpretation of these Rules must be submitted to a Senior Member of the Organising Committee for determination.
- (5) Senior Members of the Organising Committee may at any time determine such amendments to these rules as may be necessary or convenient for the efficient organisation, administration or conduct of the competition.
- (6) All determinations made by the Senior Members of the Organising Committee will be final and conclusive and binding on all competitors.

7. Clarification or correction of the moot problem

- (1) Requests for clarification of facts or correction of errors in the moot problem may be made by email to the Graduate Mooting Assistant: mooting@law.ox.ac.uk
- (2) Requests made under the preceding rule must be made by 9AM on Friday 29th October.
- (3) Late requests for clarifications or corrections will not be accepted.
- (4) The Senior Members of the Organising Committee may issue a clarification or correction of the moot problem on their own initiative at any time prior to the commencement of the competition.